

REMARKS

Claims 5 to 13, 15, 17, and 18 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 5 to 13, 15, 17, and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,754,262 to Hackett ("Hackett").

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Final Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Final Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

Claim 5 includes the features in which at a point in time of receiving a first power level, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval. Further, at a point in time of receiving the first power level, the second timing sequence control system is triggered and, upon being triggered, controls the transmission of the second sensor so that the second sensor transmits data via the line for the second time interval after the first time interval, in which, upon being triggered, the first and second timing sequence control systems control the transmission of the first and second sensors so that the first and second sensors each transmit data via the line at least once

independent of any change in a power level received by the first and second timing sequence control systems, and in which the first and second timing sequence control systems receive the first power level throughout the first and second time intervals.

Thus, the system in claim 5 specifically requires the triggering to be initiated by a first power level, and a first and second timing sequence control system is triggered in response. This is illustrated in the lower portion of Figure 2. Further, claim 5 requires that the first and second timing sequence control systems receive the first power level throughout the first and second time intervals. The first and second timing sequence control systems are included in the first and second sensor respectively. It is respectfully submitted that the Hackett reference does not identically disclose (nor suggest) at least these features.

The Final Office Action conclusorily asserts that the power levels of claim 5 somehow correspond to the voltage levels of the Hackett system. (See Final Office Action, pages 3 to 4, paragraph 5). In this regard, the Hackett reference indicates that its control system is triggered by “tone bursts” which are superimposed on the DC power supply voltage. (See Hackett, column 3, lines 49 to 59). The Hackett reference refers to this as a “synchronizing signal” that is “typically 6 kilohertz.” (*Id.*).

Thus, Hackett makes clear that it is triggered by “tone bursts” or pulses of voltage that go up and down typically at 6 kilohertz. Accordingly, Hackett does not identically disclose (or even suggest) the feature of triggering that is to be initiated by a first power level, as provided for in the context of claim 5. This is because the Hackett system is triggered by specific tone bursts and not when a specific voltage level is sensed, as provided for in the context of the presently claimed subject matter.

In the “Response to Arguments” section, the Final Office Action concedes that the sensor units of Hackett “do not begin counting the response periods until the end of this ‘tone burst’.” (Final Office Action, page 7 (emphasis in the original)). Further, it conclusorily asserts that the first power level is disclosed by the baseline power level VL. (*See id.*) Even if one would assume for the sake of argument that VL of Hackett somehow corresponds to the first power level, as asserted by the Final Office Action, then Hackett clearly does not identically disclose (nor suggest) triggering at a point in time of receiving a first power level, as provided for in the context of the claimed subject matter. That is because in Hackett, VL is returned in between the pulses of the synchronizing signals without initiating any triggering. Accordingly, in Hackett there is no triggering at a point in time at a point in time

when VL is reached. Rather, the "sensors wait for the end of the sequence to begin counting" as conceded by the Final Office Action even though VL is sensed in between the pulses. (*See id.*)

Accordingly, Hackett does not identically disclose (nor suggest) a first timing sequence control system and a second timing sequence being triggered at a point in time of receiving a first power level, in which the first and second timing sequence control systems receive the first power level throughout the first and second time intervals, as provided for in the context of the presently claimed subject matter.

In view of the foregoing, the Hackett reference cannot and does not anticipate claim 5, so that claim 5 is allowable, as are its dependent claims.

Claim 9, includes features like those of claim 5, as presented, and it is therefore allowable for essentially the same reasons, as are its dependent claims.

In summary, all of pending claims 5 to 13, 15, 17 and 18 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 5 to 13, 15, 17 and 18 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
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